## STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN TH	IE MATTER OF:	)					
SHAF	RON WHITE,	)					
and AT &	Complainant, T, Respondent.	) ) ) ) ) )	E	HARGE NO(S): EOC NO(S): LS NO(S):	21BA83051		
<u>NOTICE</u>							
You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, oursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.							
	ATE OF ILLINOIS IMAN RIGHTS COMMISSION	)		Entered this 1	<sup>st</sup> day of April 2011		
		-		I CHAMBERS			

# STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

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Charge No.: EEOC No.: ALS No.:			
) ) Judge William J. Borah )			
	EEOC No.: ALS No.:		

#### RECOMMENDED ORDER AND DECISION

This matter comes to be heard on Respondent's Motion to Dismiss Complaint for Want of Prosecution filed on May 11, 2010. On May 5, 2010, an order was entered which granted leave for Respondent to file its motion to dismiss on or before May 12, 2010. The order also set a briefing schedule. Complainant had until June 4, 2010, to file her response. Although Complainant failed to appear at the May 5, 2010, status hearing, a copy of the order was mailed to her on the same day, as per the affidavit of service filed with the Commission on May 5, 2010, by the Respondent. Complainant failed to file a response to Respondent's motion.

#### FINDINGS OF FACT

The following facts were derived from the record file in the matter.

- The Complaint in this matter was served upon Complainant by certified mail.
   Complainant signed for it upon her own behalf on December 12, 2009. The initial status hearing date in this matter was March 3, 2010.
- 2. On January 15, 2010, Respondent filed a motion to extend time to file its responsive pleading and a motion to continue the public hearing. The motions were calendared for hearing on February 3, 2010. Complainant was served with these motions as per

Respondent's certificate of service. At the scheduled February 3, 2010, hearing date,
Respondent appeared and Complainant was absent. The February 3, 2010, order granted
Respondent's two motions and set a case discovery schedule. On February 3, 2010,
Respondent represented that it mailed a copy of the order to Complainant.

- 3. On February 11, 2010, Respondent filed its Answer.
- 4. On March 3, 2010, Respondent served Complainant with its discovery requests.

  Complainant did not serve Respondent with any discovery requests.
- Complainant failed to respond to Respondent's discovery requests. On April 13,
   Respondent wrote to Complainant advising her about the lateness of her discovery responses and informally extended the response date by an additional two and one half weeks, to April 23, 2010.
- 6. On May 5, 2010, a status hearing took place. Respondent's attorney appeared while Complainant was absent.
- 7. On May 5, 2010, Respondent was granted leave to file its motion to dismiss. The order also set a briefing schedule. On May 5, 2010, the order was mailed to Complainant and Respondent's Proof of Service was filed with the Commission.
  - 8. On May 12, 2010, Respondent filed its motion to dismiss.
  - 9. Complainant failed to respond to Respondent's motion to dismiss.

### CONCLUSIONS OF LAW

- Complainant's failure to attend scheduled status hearings, participate in the discovery procedure and to respond to Respondent's motion to dismiss have unreasonably delayed the proceedings in this matter.
- 2. In light of Complainant's apparent abandonment of her claim, the complaint in this matter should be dismissed with prejudice.

DISCUSSION

Complainant failed to appear at two hearing dates, February 3, 2010, and May 5, 2010.

Complainant also failed to serve any discovery requests upon Respondent or to respond to

Respondent's discovery requests. Finally, Complainant failed to respond to Respondent's

motion to dismiss.

The Commission routinely dismisses abandoned cases. In Leonard and Solid Matter,

Inc., IHRC, ALS No. 4942, August 25, 1992, Complainant was absent for three consecutive

hearings.

Complainant has failed to comply with every order. Complainant's inaction has

unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned her claim. As

a result, it is appropriate to dismiss her claim with prejudice.

RECOMMENDATION

Based upon the foregoing, it is recommended that an order be entered with the following

provisions:

1. The Respondent's motion to dismiss complaint be granted;

2. The Complaint before the Commission and the underlying charge of discrimination

be dismissed with prejudice.

**HUMAN RIGHTS COMMISSION** 

BY:\_\_\_\_\_

WILLIAM J. BORAH ADMINISTRATIVE LAW JUDGE ADMINISTRATIVE LAW SECTION

ENTERED: June 8, 2010

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